

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARIO E. CASTRO,

Plaintiff,

v.

THE BANK OF NEW YORK MELLON, AS  
TRUSTEE FOR THE CERTIFICATE HOLDERS OF  
CWALT, INC., ALTERNATIVE LOAN TRUST  
2006-0A11 F/K/A THE BANK OF NEW YORK  
MELLON, ALTERNATIVE LOAN TRUST 2006-  
0A11; UNKNOWN DOE'S 1-12,000 *et al.*;  
SHELLPOINT MORTGAGE SERVICING,  
UNKNOWN DOE'S 1-12,000 *et al.*

Defendants.  
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I, Natsayi Mawere, declare as follows:

1. I am an associate at Akerman LLP, attorneys for defendants The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the Certificate Holders of CWALT, Inc., Alternative Loan Trust 2006-OA11 Mortgage Pass-Through Certificates Series 2006-OA11, incorrectly sued herein as "The Bank of New York Mellon, as Trustee for the Certificate Holders of CWALT, Inc., Alternative Loan Trust 2006-0A11 f/k/a The Bank of New York Mellon, Alternative Loan Trust Alternative Loan Trust 2006-0A11" (**BoNYM**) and NewRez LLC f/k/a New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing incorrectly sued herein as "Shellpoint Mortgage Servicing" (**Shellpoint**). I submit this declaration further supporting BoNYM and Shellpoint's motion to dismiss plaintiff Mario Castro's second amended complaint. In particular, I make this declaration to present certain documents of which the Court may take judicial notice pursuant to Fed. R. Evid. 201.

2. As relevant to Mr. Castro's opposition, a Google search reveals his "Presentment/Motion to Compel Arbitration" is downloadable on a website called "You Are Law.org." The "Presentment to Compel Arbitration" template Mr. Castro used for his motion is attached as **Exhibit A**. This information is also publicly available at <https://www.youarelaw.org/wp-content/uploads/2019/01/Mortgage-Motion-to-Compel-Arbitration.docx>.

3. Attached as **Exhibit B** is a true copy of BoNYM and Shellpoint's March 27, 2019 letter to Mr. Castro, which includes letters dated January 18, 2019, February 26, 2019, March 22, 2019, and March 26, 2019.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: New York, NY  
April 22, 2019



Natsayi Mawere